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PTO/SB/21 (08-00)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

11 (w/4  
references)

Application Number

09/436,455

Filing Date

November 8, 1999

First Named Inventor

Christopher J. DANEK

Group Art Unit

3739

Examiner Name

D. Shay

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TECHNOLOGY CENTER R3700

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### ENCLOSURES (check all that apply)

- |                                                                                |                                                                                         |                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form                                  | <input type="checkbox"/> Assignment Papers<br>(for an Application)                      | <input type="checkbox"/> After Allowance Communication to Group                                                                                                                                                  |
| <input type="checkbox"/> Fee Attached                                          | <input type="checkbox"/> Drawing(s)                                                     | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                                                                                                                              |
| <input type="checkbox"/> Amendment / Reply                                     | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)                                                                                                                       |
| <input type="checkbox"/> After Final                                           | <input type="checkbox"/> Petition                                                       | <input type="checkbox"/> Proprietary Information                                                                                                                                                                 |
| <input type="checkbox"/> Affidavits/declarations                               | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter                                                                                                                                                                           |
| <input type="checkbox"/> Extension of Time Request                             | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Form PTO -1449 (w/copy) - 2 pages; Copy of International Search Report - 7 pages; Four (4) Reference; Return Receipt Postcard |
| <input type="checkbox"/> Express Abandonment Request                           | <input type="checkbox"/> Terminal Disclaimer                                            |                                                                                                                                                                                                                  |
| <input checked="" type="checkbox"/> Information Disclosure Statement - 3 pages | <input type="checkbox"/> Request for Refund                                             |                                                                                                                                                                                                                  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                | <input type="checkbox"/> CD, Number of CD(s) _____                                      |                                                                                                                                                                                                                  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application     |                                                                                         |                                                                                                                                                                                                                  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53   |                                                                                         |                                                                                                                                                                                                                  |

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name

Morrison & Foerster, LLP, 755 Page Mill Road, CA 94304-1018

Richard R. Batt, Reg. No. 43,485

Signature

Date

October 17, 2001

### CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 17, 2001.

Kerry Keehan

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Docket No. 435712000921

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Christopher J. DANEK et al.

Serial No.: 09/436,455

Filing Date: November 8, 1999

For: DEVICES FOR MODIFICATION OF  
AIRWAYS BY TRANSFER OF  
ENERGY

Examiner: D. Shay

Group Art Unit: 3739

SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in a Search Report mailed on September 28, 2001(copy attached) directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \* is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \* is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 435712000921. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 17, 2001

Respectfully submitted,

By:

  
Richard R. Batt  
Registration No. 43,485

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Form PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION  <i>(Use several sheets if necessary)</i>		Docket Number 435712000921	Application Number 09/436,455
Applicant		Christopher J. DANEK et al.	
Filing Date November 8, 1999		Group Art Unit 3739	
Mailing Date October 17, 2001			



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### U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	07/30/1996	5,540,681 ♂	Strul et al.			
	2.	09/28/1999	5,957,961 ♀	Maguire et al.			
	3.	07/25/2000	6,092,528 ♂	Edwards			

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	4.	04/14/1999	0 908 713 A1 ♂	Europe			

### OTHER DOCUMENTS

*(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.